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SUBJECT: MALAWI - NEW DYNAMIC IN NEW PARLIAMENT

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¶1. (SBU) Summary: The ruling party's new majority changed the dynamic dramatically during the Malawian National Assembly's recently concluded budget meeting. In addition to passing the national budget on schedule for the first time in five years, the National Assembly passed fifteen other measures, but failed to approve a long-awaited bill to connect Malawi's electrical grid to Mozambique. Several long-awaited judicial reforms were also postponed to the next meeting. A seriously weakened opposition offered only token resistance to the government agenda, and internal disputes within the Malawi Congress Party complicated the election of a formal Leader of the Opposition. End Summary.

Chimunthu-Banda as Speaker, Gondwe Leads GOM Block

¶2. (SBU) After President Mutharika formally opened the 2009/2010 budget meeting on June 23, Henry Chimunthu Banda, Secretary General of the governing Democratic Progressive Party (DPP), was elected Speaker. Chimunthu-Banda is a close political ally of President Mutharika. He replaced Louis Chimango, a senior Malawi Congress Party (MCP) figure who oversaw Malawi's previous, opposition-dominated Parliament through years of fractious debate on procedural matters. Two other members of the DPP were elected to the two Deputy Speakerships. Former Minister of Finance Goodall Gondwe, now serving as Minister of Local Government, took over the reins as Leader of Government within Parliament, charged with carrying forward the GOM's agenda.

Ruling Party MPs to Elect Opposition Leader?

¶3. (SBU) Filling the post of Opposition leader proved considerably more complicated. Parliamentary standing orders call for the leader of the largest opposition party in the chamber - currently the MCP -- to assume the post automatically, but disgruntled members of the MCP sought to block party President John Tembo from reassuming his position as Opposition leader. A group led by former MCP spokesman Ismael Chafukira spearheaded a bizarre effort to allow all members of Parliament to vote for Opposition Leader, in essence allowing the majority DPP block to choose its own chief rival. After much Parliamentary and public debate, the matter was referred to the Legal Affairs Committee for further study. Media commentators and some opposition spokesmen alleged ruling party manipulation of the MCP's generational struggle.

Budget on Fast Track

¶3. (SBU) The National Assembly approved a National Budget of about US\$1.8 billion without amendments on July 28. This marked the most expeditious treatment of the budget in five years by Malawi's Parliament. Wrangling over the implementation of Section 65, which governs when MPs can cross the floor to another party, delayed

consideration of the budget for months in the last several Parliamentary sessions. Some observers criticized the opposition for failing to provide adequate scrutiny to this year's budget process.

¶4. (SBU) Finance Minister Kandodo also presented audit reports for the 2004/05, 2005/06 and 2006/07 financial years on July 30. The reports will be discussed at a future meeting of the National Assembly. These reports had also been delayed for several years by the previous Parliament's refusal to approve President Mutharika's appointment of an Auditor General. Formal adoption of these audits has been a key issue for donors, particularly those that provide direct budget support.

The Age of Consent

¶5. (SBU) Parliament also passed a number of other pending bills, among them one making mainly editorial corrections to the Constitution. One provision of the bill generated debate, however: the bill's change of the marriage age of consent from fifteen to sixteen. The media and civil society argued strongly that eighteen would be a more appropriate age, but legislators approved the measure before the issue could be thoroughly debated.

Key Electricity and Judicial Measures Delayed

¶6. (U) National Assembly postponed work on five bills that had originally been on its agenda. The bills were carried forward to the body's next meeting. Prominent among them were the Police (Amendment) bill; the Criminal Procedure and Evidence Code (Amendment) bill; and the Penal Code (Amendment) bill. USG experts assisted with the development of some of these bills through the Malawi's MCC Threshold Country Program (TCP), so Post will continue to track their progress closely.

Power Cut Off to Interconnector Bill

¶7. (SBU) The Assembly also delayed consideration of the controversial Mozambique Electrical Interconnection Bill, which would authorize the GOM to sign an agreement to link Malawi's electrical grid to Mozambique. A sizable World Bank grant to fund the project has been on hold for over two years due to Parliament's inaction. News reports in late July suggested that President Mutharika continued to question the benefits of the agreement for Malawi. MCC representatives informed senior GOM officials in July that approval of Interconnector measure would be essential to the success of Malawi's eventual MCC compact. GOM Chief Secretary Bright Msaka indicated to the Ambassador Aug. 10 that President Mutharika intended to discuss the matter with his Mozambican counterpart during his current visit to Maputo.

DPP Majority: Progress and Temptation

¶8. (SBU) Comment: Many Malawians were heartened to see the speedy approval of the budget in this year's Parliament as well as the more orderly way the session was conducted. Previous Parliamentary sessions focused on Constitutional and procedural matters that were really manifestations of the Opposition's struggle against President Mutharika. These debates struck many as divorced from the country's real needs and issues. While the current Parliament's focus on development and efficiency were heartening, the ruling party's near-total domination of the legislative branch will continue to present temptations to the GOM, and challenges to Malawi's democracy.

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